

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 20 CVS _____

JANE DOE 1, individually and on behalf)
of others similarly situated,)
)
Plaintiff,)
)
v.)
)
THE GUILFORD COUNTY BOARD OF)
EDUCATION; CHRISTOPHER ARNELL)
HOLLAND; and ROES 1 to 20, inclusive;)
)
Defendants.)
)

COMPLAINT

Jury Trial Demanded
Class Action

COMES NOW the Plaintiff, by and through counsel, individually and on behalf of others similar situated, and for their claims against the Defendants, and each of them, states and alleges, upon information and belief, the following facts:

INTRODUCTION

Allegations of predators hiding within our public schools is a horror that no parent or community ever wants to face. This is especially true when those predators are the very teachers and teachers’ assistants that are there to support and look after our children while they are in school. In the local case of Defendant CHRISTOPHER ARNELL HOLLAND (hereinafter “HOLLAND”), media accounts are particularly troubling, as he not only has been indicted on serious and troubling sexual offenses targeting minor students, but some of his victims are among those most vulnerable to abuse and exploitation. For over five years, HOLLAND had served as a teacher’s assistant to students with special needs and a coach. HOLLAND was recently arrested and now stands accused of committing felony sex crimes against multiple victims at Dudley High School in Greensboro, North Carolina.

And if it were not enough, as victims emerge from the shadows, it appears that administrators within Guilford County Schools had been made aware of concerns surrounding HOLLAND’S interactions and relationships with other students, dating back years before his current victims emerged. Yet, he was allowed to remain as a teacher’s assistant and coach with unlimited access to his victims.

THE PARTIES PLAINTIFF

1. Plaintiff JANE DOE 1 is presently a resident and citizen of Guilford County, State of North Carolina.

2. At all relevant times hereto, Plaintiff was enrolled as a high school student at Dudley High School.

3. Due to the sensitivity of the allegations involved herein and due to the media and public interest associated with this litigation, Plaintiff elects to use a pseudonym to protect her identify from disclosure in the media and in the public. Disclosure of the Plaintiff’s true name would only cause additional trauma and would have a chilling effect on other victims coming forward in both the civil and criminal cases and investigations.

THE PARTIES DEFENDANT

4. Defendant THE GUILFORD COUNTY BOARD OF EDUCATION (“GCBOE”) is the official agency responsible for managing the County’s 125 public elementary, middle and high schools, known collectively as the Guilford County Schools. It is the third largest district in the state.

5. At all times relevant hereto as further alleged herein, Defendant GCBOE was the employer for Defendant HOLLAND.

6. At all times relevant hereto, Defendant HOLLAND was a resident and citizen of Guilford County, North Carolina. He currently is in custody at the Guilford County Jail while awaiting trial.

7. The true names and capacities, whether individual, corporate, associate, partnership, or otherwise, of Defendants sued herein as ROES 1 through 20, inclusive, are either being withheld by Plaintiff or are unknown to Plaintiff. As such, Plaintiff herewith references said Defendants by their fictitious names. Plaintiff alleges that Defendants ROES 1 through 20 are in some manner responsible for her injuries and losses, and those of the class, and are named in accordance with the provisions of N.C. Gen. Stat. § 1-166. Plaintiff will amend her complaint to show the true names and capacities of such fictitiously named Defendants as is appropriate or as they are ascertained.

8. Plaintiff alleges that the Defendants HOLLAND and ROES 1-20, and each of them, were the agents, contractors, and/or employees of GCBOE, and the acts and omissions herein alleged were done by them, through such capacity and within the scope of their authority, and that such conduct was ratified by Defendant GCBOE's agents, and that each of them is jointly and severally liable to the Plaintiff. As such, each Defendant named in this Complaint is legally responsible for the acts of the others causing permanent harm and irreparable injury to the Plaintiff and others within the Guilford County Schools system.

JURISDICTION, VENUE AND CONDITIONS PRECEDENT

9. Pursuant to N.C. Gen. Stat. § 1-75.4, jurisdiction is proper over each Defendant as all are residents of the State of North Carolina and the acts and omissions alleged herein occurred in the state.

10. Pursuant to N.C. Gen. Stat. §§ 1-77(2) and 1-82, venue is proper in this Court as all, or nearly all, of the wrongful acts giving rise to this Complaint occurred here.

11. Plaintiff has satisfied, met or performed all conditions precedent to the filing of this action, including filing this action within the time frame allowed by any applicable limitation periods.

12. Defendant GCBOE has waived any claim of governmental or sovereign immunity by purchasing insurance to cover these claims.

THE RELEVANT STATUTES OF LIMITATIONS, TOLLING AND REVIVAL OF PAST CLAIMS

13. At all times relevant hereto, Defendant HOLLAND’S sexual assaults of the Plaintiff occurred while she and members of the putative Class, *defined below*, were minor children. The statute of limitations is tolled until minor children reach the age of majority.

14. Furthermore, all claims asserted herein by the named Plaintiff and all claims asserted for the putative class members have been rendered timely by operation of law, specifically N.C. Gen. Stat. § 1-52 and Session Laws 2019-245, sec. 4(b) (“Effective from January 1, 2020, until December 31, 2021, this section revives any civil action for child sexual abuse otherwise time-barred under G.S. 1-52 as it existed immediately before the enactment of this act.”)

15. As to Defendant GCBOE, the statute of limitations has likewise been tolled due to the Defendant’s fraudulent concealment and according to the continuing violations doctrine.

16. At all times relevant hereto, GCBOE, by and through its authorized agents, servants, and/or employees, officers, and directors turned a blind eye to HOLLAND'S exploitation of minor students and repeatedly made the decision not to properly investigate or discipline him, and not to act in a reasonable manner in response to several complaints.

17. GCBOE, by and through its authorized agents, servants, and/or employees, officers, and directors had a duty to protect its minor students and to provide a safe educational environment for the students. Therefore, GCBOE had a duty to disclose HOLLAND'S inappropriate behavior toward his students to parents and students.

18. GCBOE, by and through its authorized agents, servants, and/or employees, officers, and directors, concealed and failed to disclose HOLLAND'S inappropriate relationships with his minor students, thereby allowing the abuse to continue and be perpetrated on additional students.

19. GCBOE knew that by concealing its knowledge of HOLLAND'S relationships and conduct with students, it was misrepresenting the safety of its schools to students, including Plaintiff and the putative Class and their parents.

20. GCBOE actively concealed from students and their parents the information it had regarding HOLLAND and calculated and intended that its concealment would deceive minor students and their parents, including Plaintiff and the putative Class.

21. At all times relevant hereto, Plaintiff and the putative Class did not know that the representations made by GCBOE were false and were unaware of GCBOE'S material omissions.

22. Plaintiff and the putative Class justifiably relied on GCBOE'S concealment and were in fact deceived by GCBOE'S concealment to their detriment.

23. If Plaintiff and the putative Class had been told what GCBOE knew about HOLLAND, Plaintiff and the putative Class would not have been permitted to have any contact with HOLLAND.

24. Plaintiff and the putative Class were prejudiced by their reliance on these material misrepresentations and omissions and were prevented from discovering their sexual abuse and from bringing this lawsuit.

25. As part of Defendants' wrongful concealment of HOLLAND'S past relationships and conduct with minor students, GCBOE took a variety of actions with the intent and effect of making HOLLAND'S conduct harder to detect and ensuring that additional students, including Plaintiff and the putative Class, with whom HOLLAND came into contact would be sexually assaulted, including, but not limited to:

- a. Allowing HOLLAND to remain in a position of authority and trust with unfettered access to minor students after Defendants knew or should have known that he engaged in inappropriate relationships with students at Dudley High School;
- b. Holding HOLLAND out to Plaintiff, to the putative Class and to the public at large as a trustworthy person worthy of respect and praise who was able to have unsupervised access to minor students;
- c. Allowing HOLLAND to have contact with students after school hours and both on and off the school's campus;
- d. Failing to properly and thoroughly investigate or gather additional facts about HOLLAND, such as prior complaints and investigations relating to HOLLAND'S sexual misconduct;

- e. Failing to train teachers, staff, agents, and employees to recognize and report inappropriate relationships between teachers and students including and/or creating an environment wherein employees did not report suspicions of inappropriate relationships or suspicions of sexual relations against other employees for fear of retaliation or other consequences; and
- f. Among other ways to be discovered and proven at trial.

26. At the time the sexual misconduct occurred, HOLLAND concealed the existence of harm to Plaintiff and the putative Class by making material misrepresentations to Plaintiff and the putative Class, including, but not limited to:

- a. Misrepresenting to minor students that his acts and conduct were normal and acceptable behavior for students and a teacher's assistant;
- b. Misrepresenting that his actions were for the purpose of mentoring with and bonding with his minor students; and
- c. Among other ways to be discovered and proven at trial.

27. These material misrepresentations were false because HOLLAND abused his minor students for his own sexual gratification.

28. When HOLLAND made these misrepresentations, he planned, knew, and intended that they would deceive.

29. Plaintiff and the putative Class reasonably relied on HOLLAND'S misrepresentations to their detriment. If they had known that HOLLAND was a sexual predator and not a trustworthy role model, they would never have allowed the conduct to continue and/or would have reported it.

30. Plaintiff and the putative Class Members were in fact deceived.

31. Plaintiff and the putative Class were prejudiced by their reliance on these material misrepresentations and were prevented from discovering their sexual abuse and from bringing this lawsuit.

32. HOLLAND carried out this predatory behavior as an employee, agent, and/or representative of the GCBOE and in the course and scope of his employment. Defendant GCBOE is therefore vicariously liable for HOLLAND'S actions under the doctrine of *respondeat superior*.

33. Defendants' misrepresentations and omissions constitute fraudulent concealment.

34. The statute of limitations for each of Plaintiff's and the putative Class' cause of action was equitably tolled, and Defendants are equitably estopped from asserting the statute of limitations as a defense.

35. Further, HOLLAND'S sexual abuse of students continued throughout his employment with GCBOE, and the statute of limitations was tolled based on the continuing violations doctrine.

**HOLLAND'S SEXUALLY INAPPROPRIATE CONDUCT AND THE GCBOE'S
KNOWLEDGE OF HIS INAPPROPRIATE CONDUCT**

36. On or about August 20, 2014 Defendant GCBOE hired HOLLAND to work at Dudley High School as a coach and teacher's assistant, working with handicapped students.

37. Plaintiff is informed and believes, and thereon alleges that for nearly as long as he was employed, administrators within the Guilford County Schools who report to the GCBOE, were aware of complaints and concerns regarding HOLLAND'S inappropriate interactions and relationships with students.

38. Plaintiff is informed and believes and therefore alleges as far back as 2016 that Defendant GCBOE's administration was made aware of inappropriate conduct by HOLLAND with female students and refused to take appropriate action.

39. Through their knowledge of complaints regarding HOLLAND'S conduct toward students over the years, and by not removing him from a position where he would have access to young girls, the individual Defendants and the GCBOE not only have failed our local community, but they have failed parents of the students they serve and most importantly, they have failed the students they were obligated to protect.

40. It is presently unknown just how many of these may have been victimized by HOLLAND over the years, but it is known that Defendant HOLLAND pursued multiple young female students to have physical and/or sexual contact with him. This included, but is not limited to, HOLLAND soliciting young female students to have sexual intercourse with him; HOLLAND touching students' breasts; HOLLAND committing acts of statutory rape with female students; HOLLAND kissing, caressing and cuddling his victims; HOLLAND engaging in other physical sexual contact with students, sometimes on school grounds or in his home; and touching his students' genitals, among other ways to be discovered and proved at trial.

41. HOLLAND'S acts occurred during normal school hours and after hours as HOLLAND was successful in convincing Plaintiff to spend time with him outside of class and school.

42. At all times relevant hereto, Plaintiff was a minor under North Carolina law and incapable of giving lawful consent to such inappropriate conduct.

43. Defendant HOLLAND used his position as a coach and teacher's assistant to prey upon her innocence and that of other female students over the years he worked in the Guilford County Schools system.

44. Through the Defendants' negligence in investigating, retaining, supervising, training and reporting the actions of Defendant HOLLAND, these Defendants subjected Plaintiff and other young girls to HOLLAND'S wrongdoing.

45. Had these Defendants acted as reasonably prudent individuals and as reasonably prudent administrators within the GCBOE, they would have conducted an objective investigation into the allegations against HOLLAND.

46. Furthermore, given the number of complaints, and given the similarities about the inappropriate conduct, repeated complaints should have caused even greater alarm among administrators, especially with such young students being involved.

47. Presumably, a reasonable investigation should have been reported to authorities, who would have taken action like that which was ultimately taken in March of 2020 resulting in HOLLAND'S arrest. If such an investigation by Defendants had been undertaken, Defendant HOLLAND would have been terminated from employment in any school within the district, an act which would have saved multiple students from being victimized at the hands of a sexual predator.

48. Instead, Defendants permitted HOLLAND'S wrongful actions to go virtually unchecked.

49. As a result, Plaintiff has suffered and will continue to suffer a lifetime of mental anguish, emotional distress, shame, humiliation, mental pain and suffering, depression, post-

traumatic stress, loss of future earning capacity, and resulting psychological trauma – at the hands of a predator.

HOLLAND’S EXPLOITATION OF JANE DOE 1

50. JANE DOE 1 was a minor student enrolled at Dudley High School between approximately 2016 to the present.

51. During her high school years, JANE DOE came to know HOLLAND in his capacity as a coach and teacher’s assistant at Dudley High School.

52. Over the course of her enrollment as a student, Defendant HOLLAND began to have a relationship with the student.

53. The relationship quickly turned into a physical and sexual relationship between HOLLAND and JANE DOE 1.

54. Throughout this time, and on multiple occasions, HOLLAND requested that JANE DOE 1 perform oral sex on him.

55. Throughout this time, and on multiple occasions HOLLAND would also have sex with the minor student.

56. Throughout this time, and on multiple occasions HOLLAND would also consume alcohol with JANE DOE 1.

57. Such activities and conduct often occurred in public areas of the school’s campus, even in offices of other teachers and coaches, in classrooms, locker rooms and other public areas.

CLASS ALLEGATIONS

58. Plaintiff brings this action on behalf of herself and all others similarly situated pursuant to Rule 23 of the North Carolina Rules of Civil Procedure as representatives of a Class defined as follows:

All students enrolled at any school within Guilford County Schools at any time between August 1, 2014 and the present: a) with whom or on whom HOLLAND performed a sexual act; b) to whom HOLLAND exposed or showed his genitals in person or via electronic means; c) whom HOLLAND touched in a sexual manner, including, but not limited to, touching students with his genitals and/or touching the students' genitals; and d) whom HOLLAND otherwise sexually harassed or exploited by engaging in a pattern of inappropriate verbal or physical behavior, or repeatedly exposed to offensive sexual materials, comments, or things, or repeatedly subjected to sexual conduct, innuendo and advances.

59. Defendants are excluded from the Class as well as any entity in which Defendants have a controlling interest, along with Defendants' legal representatives, officers, directors, assignees and successors. Also excluded from the Class is any judge to whom this action is assigned, together with any relative of such judge, and the spouse and children of any such persons, and the members of the judge's staff and their children.

60. The Class consists of dozens of persons, who are fearful, reluctant and hesitate to participate as a named plaintiff, making joinder impracticable. The exact size of the Class and the identities of the individual members are ascertainable through notice to all students that attended Dudley High School during the relevant time period.

61. The claims of Plaintiff are typical of the Class. The claims of Plaintiff and the Class are based on the same legal theories and arise from the same unlawful pattern of sexual abuse of minor students by the same teacher.

62. Plaintiff will fairly and adequately protect and represent the interests of the Class. The interests of the Plaintiff are not antagonistic to the Class.

63. The common claims of Plaintiff and the Class predominate over any questions that may affect only individual class members. Class treatment of common issues will materially advance the litigation.

64. Common questions of fact and law affecting members of the Class include, but are not limited to, the following:

- a. Whether HOLLAND engaged in assault and battery, invasion of privacy, and intentional or negligent infliction of emotional distress;
- b. Whether HOLLAND'S assault and battery, invasion of privacy, intentional or negligent infliction of emotional distress was committed within the scope of his employment with the GCBOE within Guilford County Schools;
- c. Whether Defendant GCBOE, or anyone within the Guilford County Schools, had knowledge of HOLLAND'S assault and battery, invasion of privacy, intentional or negligent infliction of emotional distress, predatory behavior, and sexual abuse of minor students;
- d. Whether Defendant GCBOE, or anyone within the Guilford County Schools, facilitated and/or enabled HOLLAND'S pattern of predatory behavior and sexual abuse of minor students, assault and battery, and invasion of privacy;
- e. Whether anyone's conduct within the Guilford County Schools was designed to suppress complaints or reports of HOLLAND'S conduct;
- f. Whether the GCBOE or anyone within the Guilford County Schools acted

negligently in employing, retaining, supervising, investigating, or reporting HOLLAND;

- g. Whether GCBOE or anyone within the Guilford County Schools negligently trained its employees, agents, and/or representatives in how to recognize, report, and prevent sexual abuse of students by teachers;
- h. Whether GCBOE or anyone within the Guilford County Schools breached their fiduciary duties to Plaintiff and the Class;
- i. Whether GCBOE or anyone within the Guilford County Schools, ratified HOLLAND'S conduct; and
- j. Whether GCBOE is responsible for any of other Defendants' conduct under the doctrine of *respondeat superior*.

65. Plaintiff are represented by counsel who are experienced and competent in the prosecution of complex class action litigation.

66. Class action treatment is a superior method for the fair and efficient adjudication of the controversy in that, among other things, such treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of effort and expense that numerous individual actions would engender. The benefits of proceeding through the class mechanism, including providing injured persons with a method for obtaining redress for claims that might not be practicable for them to pursue individually, substantially outweigh any difficulties that may arise in management of this class action.

67. Class action treatment will also allow for the establishment of a common fund for the Plaintiff and the Class and will allow Class members who are too fearful, reluctant or who hesitate to participate as named Plaintiff, to receive compensation from a common fund.

FIRST CAUSE OF ACTION
(Negligent and Grossly Negligent
Employment, Investigation, Supervision, Retention, Reporting, Policies and Procedures)
Against All Defendants Except HOLLAND

68. The allegations contained in all of the foregoing paragraphs are realleged and are incorporated by reference as if fully set forth herein.

69. At all times relevant hereto, Defendant GCBOE employed Defendant HOLLAND.

70. Defendant GCBOE had duties, by and through its authorized agents, servants, and/or employees, officers and/or directors, to refrain from conduct exhibiting a reckless or intentional disregard for the safety of others, including Plaintiff and the putative Class, and to exhibit the highest level of care for the students' education, safety, and wellbeing, including a duty to supervise HOLLAND and to be aware of his activities with minor students.

71. Defendant GCBOE, by and through its authorized agents, servants, employees, officers and/or directors, breached their duties in that, among other things, such that they:

- a. Knew or reasonably should have known that HOLLAND was unfit and a high-risk child predator who posed a particular risk of sexually abusing and exploiting minor students;
- b. Knew or reasonably should have known of multiple reports of HOLLAND'S previous incidences of misconduct involving minor students occurring on and off school campus;
- c. Knew or reasonably should have known that by retaining HOLLAND to work within the district rather than terminating him when GCBOE had

notice of multiple instances of inappropriate relationships with students, Defendants were putting the education, safety, and mental health of the minor children with Guilford County Schools whose care and education Defendants are entrusted with at risk;

- d. Ignored the information they did have regarding multiple reports of HOLLAND'S inappropriate behavior against minor students;
- e. Failed to undertake and/or conduct a reasonable investigation to uncover additional information that was reasonably available to them;
- f. Allowed HOLLAND to continue his position as a teacher within the Guilford County Schools with authority over minor students and with complete autonomy even though they knew or should have known that HOLLAND was engaging in inappropriate behavior and relationships with his minor students, including Plaintiff and the putative Class;
- g. Failed to restrict HOLLAND'S access to students in any manner;
- h. Allowed HOLLAND to meet with students after hours, which facilitated his sexual assaults of minor students, including Plaintiff;
- i. Failed to terminate HOLLAND after receiving multiple complaints concerning HOLLAND'S behavior with his students and other female students;
- j. Failed to report the information they possessed to the proper authorities;
- k. Failed to warn the minor students under their care, including Plaintiff and the putative Class, or their parents that HOLLAND was engaging in inappropriate relationships with female students at Dudley High School;

and

1. In other ways to be discovered and proven at trial.

72. Defendants' negligence in employing, investigating, supervising, retaining, and reporting HOLLAND to authorities was a substantial factor in causing harm to Plaintiff and the putative Class.

73. Defendant GCBOE was negligent, prior to HOLLAND'S interactions with Plaintiff, by allowing teachers – without any monitoring or oversight - to be left alone with a minor student both prior to and after school hours and both inside and outside of the class setting; by not having adequate polies, procedures, and safeguards in place when a teacher is subject to a complaint involving alleged sexually inappropriate conduct so as to ensure that the teacher is not left alone with a minor student without any monitoring or oversight; and in other particulars to be adduced through further investigation, discovery, and/or at trial – all of which led to an increased exposure of future molestation or improper conduct of a sexual nature with Plaintiff and which proximately caused Plaintiff's injuries and damages.

74. Defendant GCBOE was negligent, subsequent to HOLLAND'S interactions with Plaintiff, by not showing adequate care or concern for Plaintiff and breaching their duty of continuing care of each Plaintiff while in the GCBOE school system; by permitting bullying and/or by not having adequate polies, procedures, and safeguards in place to protect Plaintiff who have been injured or damaged by molestation or improper conduct of a sexual nature by a teacher; and in other particulars to be adduced through further investigation, discovery, and/or at trial – all of which led to the Plaintiff's injuries and damages proximately caused by said negligence.

75. As a direct and proximate result of the actions of Defendants, Plaintiff and the putative Class suffered severe emotional distress and mental anguish.

76. Plaintiff and the putative Class are entitled to recover damages in excess of \$25,000 from Defendants as follows, including, but not limited to:

- a. Any and all expenses for the care and treatment incident to their injuries;
- b. Compensation for the pain, suffering, and mental anguish; and
- c. Compensation for future lost earning capacity, among other relief.

77. As a direct and proximate result of the aforementioned deliberate or reckless behavior, Plaintiff and the putative Class were sexually assaulted and exploited by HOLLAND and each suffered damages in an amount in excess of \$25,000.

SECOND CAUSE OF ACTION
(Negligent Failure to Train)
Against All Defendants Except HOLLAND

78. The allegations contained in all of the foregoing paragraphs are realleged and are incorporated by reference as if fully set forth herein.

79. Defendants owed Plaintiff and the putative Class duties to take reasonable measures to provide and maintain a safe, respectful, and secure learning environment for students, free from the risk of sexual abuse by HOLLAND, by properly training employees, agents, and/or representatives in how to recognize, report, and prevent sexual abuse of students by teachers.

80. Defendants breached these duties in that they did not properly train employees, agents, and/or representatives in how to recognize, report, and prevent sexual abuse of students by teachers.

81. As a direct and proximate result of the actions of Defendants, Plaintiff and the putative Class suffered severe emotional distress and mental anguish.

82. Plaintiff and the putative Class are entitled to recover damages in excess of \$25,000 from Defendants as follows, including, but not limited to:

- a. Any and all expenses for the care and treatment incident to their injuries;
- b. Compensation for the pain, suffering, and mental anguish; and
- c. Compensation for future lost earning capacity, among other relief.

THIRD CAUSE OF ACTION
(Breach of Fiduciary Duty)
Against All Defendants

83. The allegations contained in all of the foregoing paragraphs are realleged and are incorporated by reference as if fully set forth herein.

84. Plaintiff are informed and believe and therefore allege that Defendants, at all relevant times, through their written policies and procedures and their acts and omissions, fostered a special relationship between teachers, coaches and students at Dudley High School.

85. Defendants, by and through their agents, officers, directors, and school board members, held themselves out to be counselors and authority figures to Dudley High School students, including Plaintiff and the putative Class.

86. In addition, Defendant GCBOE acting through the Guilford County Schools stood *in loco parentis* of the students at Dudley High School such that the Defendants and their authorized agents, servants, and/or employees, officers and/or directors were to protect students with respect to allegations of sexual misconduct by Defendant HOLLAND.

87. Plaintiff and the putative Class justifiably placed great reliance and trust in the Guilford County Schools, especially in Defendant HOLLAND.

88. Defendants fostered and encouraged such special relationships between teachers, coaches and students within Guilford County Schools, including the relationship between HOLLAND, the Plaintiff and the putative Class.

89. For example, Defendants fostered special relationships between HOLLAND and his students when:

- a. Defendants allowed HOLLAND to meet with students after school hours both on and off campus;
- b. Defendants allowed HOLLAND to take students off school grounds; and
- c. Defendants allowed Mr. HOLLAND to provide his personal cellular phone number to students.

90. Plaintiff and the putative Class reposed a special confidence in Defendants, and Defendants, in equity and good conscious were bound to act with due consideration for the interests of Plaintiff and the putative Class.

91. As a result of the above, a fiduciary relationship was created between Defendants GCBOE, through the Guilford County Schools, and Plaintiff and the putative Class.

92. Defendants breached their fiduciary duties to Plaintiff and the putative Class by engaging in and/or allowing the sexual abuse as described herein.

93. As a direct and proximate result of the actions of Defendants, Plaintiff and the putative Class suffered severe emotional distress and mental anguish.

94. Plaintiff and the putative Class are entitled to recover damages in excess of \$25,000 from Defendants as follows, including, but not limited to:

- a. Any and all expenses for the care and treatment incident to Plaintiff' injuries;
- b. Compensation for the pain, suffering, and mental anguish of Plaintiff; and
- c. Compensation for future lost earning capacity, among other relief.

FOURTH CAUSE OF ACTION
(Assault and Battery)
Against All Defendants

95. The allegations contained in all of the foregoing paragraphs are realleged and are incorporated by reference as if fully set forth herein.

96. HOLLAND intentionally committed acts of unwanted and unlawful physical contact and/or caused imminent apprehension of such acts against Plaintiff and putative Class members, and/or causing an imminent apprehension that such contacts would occur.

97. Further, based upon both their actual and constructive knowledge, Defendant GCBOE knew or should have known to a substantial certainty that allowing HOLLAND to remain on campus at Dudley High School, where he had continuous access to students without warning students of HOLLAND'S behavior and without taking precautions, would lead to HOLLAND physically assaulting and battering his students. HOLLAND'S offensive actions as alleged herein, were thus foreseeable to Defendant GCBOE.

98. The contact HOLLAND enjoyed on the students was both harmful and offensive, and unlawful, meaning that the students legally did not and could not consent to the contact.

99. Further, such contact would be offensive to a reasonable person.

100. Additionally, HOLLAND carried out this predatory behavior as an employee, agent, and/or representative of Guilford County Schools and in the course and scope of his employment. Defendant GCBOE is therefore vicariously liable for HOLLAND'S actions under the doctrine of *respondeat superior*.

101. As a direct and proximate result of the actions of Defendants, Plaintiff and the putative Class suffered severe emotional distress and mental anguish.

102. Plaintiff and the putative Class are entitled to recover damages in excess of \$25,000 from Defendants as follows, including, but not limited to:

- a. Any and all expenses for the care and treatment incident to their injuries;
- b. Compensation for the pain, suffering, and mental anguish; and
- c. Compensation for future lost earning capacity, among other relief.

103. These acts and omissions, among others, and the improper conduct by HOLLAND were accompanied by a reckless, wanton, and conscious disregard and indifference to the rights and safety of others, including Plaintiff and the putative Class, who were all minors at the time, all of which HOLLAND knew or should have known were reasonably likely to result in injury, damage or other harm. Thus, as a result of these aggravating factors, Plaintiff and the Class are entitled to receive an award of punitive damages from HOLLAND.

FIFTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)
Against Defendant HOLLAND

104. The allegations contained in all of the foregoing paragraphs are realleged and are incorporated by reference as if fully set forth herein.

105. The sexual acts HOLLAND perpetrated against student minors as alleged herein constitute extreme and outrageous conduct that goes beyond all bounds of decency.

106. Defendant HOLLAND intended to, or should have known to a substantial certainty that his actions would, cause Plaintiff and the putative Class severe emotional distress or acted with reckless indifference as to whether their conduct would cause Plaintiff and the Class severe emotional distress.

107. HOLLAND carried out this predatory conduct as an employee, agent, and/or representative of the Guilford County Schools system and in the course and scope of his employment with Defendant GCBOE. Thus, Defendant GCBOE is vicariously liable for HOLLAND'S actions under the doctrine of *respondeat superior*.

108. Each Plaintiff was subjected to separate wrongful acts by each Defendant.

109. As a direct and proximate result of the actions of Defendants, Plaintiff and the putative Class suffered severe emotional distress and mental anguish.

110. Plaintiff and the putative Class are entitled to recover damages in excess of \$25,000 from Defendants as follows, including, but not limited to:

- a. Any and all expenses for the care and treatment incident to their injuries;
- b. Compensation for the pain, suffering, and mental anguish; and
- c. Compensation for future lost earning capacity, among other relief.

SIXTH CAUSE OF ACTION
(Negligent Infliction of Emotional Distress)
Against All Defendants

111. The allegations contained in all of the foregoing paragraphs are realleged and are incorporated by reference as if fully set forth herein.

112. Defendants' conduct negligently inflicted severe emotional distress upon Plaintiff and the Class.

113. Defendants could reasonably foresee that their actions in sexually abusing students and/or failing to report, document, or prevent sexual abuse of students would cause severe emotional distress to Plaintiff and the putative Class.

114. HOLLAND carried out his conduct as alleged herein as an employee, agent, and/or representative of the Guilford County Schools and in the course and scope of his employment with

Defendant GCBOE. Thus, Defendant GCBOE is vicariously liable for these actions under the doctrine of *respondeat superior*.

115. As a direct and proximate result of the actions of Defendants, Plaintiff and the putative Class suffered severe emotional distress and mental anguish.

116. Plaintiff and the putative Class are entitled to recover damages in excess of \$25,000 from Defendants as follows, including, but not limited to:

- a. Any and all expenses for the care and treatment incident to their injuries;
- b. Compensation for the pain, suffering, and mental anguish; and
- c. Compensation for future lost earning capacity, among other relief.

SEVENTH CAUSE OF ACTION
(Invasion of Privacy)
Against All Defendants

117. The allegations contained in all of the foregoing paragraphs are realleged and are incorporated by reference as if fully set forth herein.

118. Defendant HOLLAND intentionally preyed on the minds and bodies of minor students with whose care he was entrusted as described herein, thereby physically intruding upon the solitude and seclusion of Plaintiff and the putative Class in a manner that would be highly offensive to a reasonable person.

119. Defendant HOLLAND carried out this predatory behavior as an employee, agent, and/or representative of Guilford County Schools and in the course and scope of his employment with Defendant GCBOE. Thus, Defendant GCBOE is vicariously liable for HOLLAND'S actions under the doctrine of *respondeat superior*.

120. As a direct and proximate result of the actions of Defendants, Plaintiff and the putative Class suffered severe emotional distress and mental anguish.

121. Plaintiff and the putative Class are entitled to recover damages in excess of \$25,000 from Defendants as follows, including, but not limited to:

- a. Any and all expenses for the care and treatment incident to their injuries;
- b. Compensation for the pain, suffering, and mental anguish; and
- c. Compensation for future lost earning capacity, among other relief.

EIGHTH CAUSE OF ACTION
(Ratification)
Against All Defendants Except HOLLAND

122. The allegations contained in all of the foregoing paragraphs are realleged and are incorporated by reference as if fully set forth herein.

123. HOLLAND was an agent and employee of Defendant GCBOE in Guilford County Schools between 2014 and 2020.

124. HOLLAND was acting at all times on behalf of the Defendant GCBOE as a coach and teacher's assistant within Guilford County Schools.

125. All acts or omissions alleged herein were ratified by GCBOE. As alleged herein, employees, officers and administrators had been informed of or had reason to know that HOLLAND was or was continuing to have inappropriate relationships with minor students and refused to take any action to stop him.

126. With knowledge of HOLLAND'S sexual abuse of minor students, no disciplinary action was taken; HOLLAND was allowed continued unfettered access to children.

127. As a direct and proximate result of the actions of Defendants, Plaintiff and the putative Class suffered severe emotional distress and mental anguish.

128. Plaintiff and the putative Class are entitled to recover damages in excess of \$25,000 from Defendants as follows, including, but not limited to:

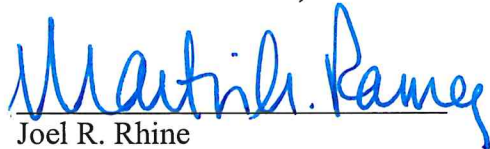
- a. Any and all expenses for the care and treatment incident to their injuries;
- b. Compensation for the pain, suffering, and mental anguish; and
- c. Compensation for future lost earning capacity, among other relief.

WHEREFORE, Plaintiff prays unto the Court:

1. Certify the Class, name Plaintiff as the representative of the Class, and appoint her attorneys as Class Counsel;
2. Enter judgment against Defendants in favor of the Class for a sum in excess of \$25,000, jointly and severally;
3. For a trial by jury on all issues so triable;
4. Punitive damages as allowed by law against Defendant HOLLAND;
5. That the costs, including expert witness fees, of this action be taxed against Defendants;
6. Pre-judgment interest and post-judgment interest;
7. For reasonable attorneys' fees as allowed by law; and
8. For such other and further relief as the Court deems just and proper.

This the 7th day of May, 2020.

RHINE LAW FIRM, P.C.



Joel R. Rhine
North Carolina State Bar No. 16028
Email: jrr@rhinelawfirm.com
Martin A. Ramey
North Carolina State Bar No. 33617
Email: mjr@rhinelawfirm.com
1612 Military Cutoff Road, Suite 300
Wilmington, North Carolina 28403
Tel: (910) 772-9960
Fax: (910) 772-9062

THE LEA/SCHULTZ LAW FIRM, P.C.

James W. Lea

North Carolina State Bar No. 9323

Email: jwl@theleaschultzlawfirm.com

Ryan B. Schultz

North Carolina State Bar No. 38928

Email: rbs@theleaschultzlawfirm.com

1612 Military Cutoff Road, Suite 300

Wilmington, North Carolina 28403

Tel: (910) 239-5990

Fax: (910) 239-5992

Attorneys for Plaintiff